

ORDINANCE NO. 99 - 52

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR 99-110 COM 1 (AFFIRMATION 2), MODIFYING PAGE 110 OF THE FLUA BY CHANGING A PARCEL OF LAND APPROXIMATELY 2.66 ACRES GENERALLY LOCATED ON THE NORTHEAST CORNER OF GLADES ROAD AND 95TH AVENUE SOUTH, FROM MEDIUM RESIDENTIAL, 5 UNITS PER ACRE (MR-5) TO COMMERCIAL LOW, WITH AN UNDERLYING 5 UNITS PER ACRE (CL/5), SUBJECT TO CONDITIONS; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on June 11, 18 and 25, July 9, August 13, and November 19, 1999 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 28, August 17 and 24, 1999 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized

transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on November 16, 1999 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated November 12, 1999 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance;

WHEREAS, on December 13, 1999 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the Future Land Use Atlas of the Land Use Element of the 1989 Comprehensive Plan

The following amendment to the Land Use Element's Future Land Use Atlas is hereby adopted and is attached to this Ordinance:

A. Future Land Use Atlas page 110 is amended as follows:

Application No.: 99-110 COM 1 (Affirmation 2)

Amendment: From Medium Residential, 5 units per acre (MR-5) to Commercial Low, with an underlying 5 units per acre (CL/5);

General Location: On the northeast corner of Glades Road and 95th Avenue South;

1 **Size:** Approximately 2.66 acres;

2 **B. Conditions:** This parcel is subject to the following
3 conditions:

- 4 1. The use of the site shall be limited to a retail
5 furniture store;
- 6 2. The structure on the site shall be limited to a one
7 story building with a maximum 26,058 square feet of
8 floor area; and
- 9 3. The property owner shall record in the public records
10 a restrictive covenant, subject to the approval of the
11 County attorney, prior to certification of the zoning
12 application by DRC, which does the following: (a)
13 limits the use of the site to a retail furniture store;
14 and (b) limits the structure to a one story building
15 with a maximum of 26,058 square feet of floor area.

16 **Part II. Repeal of Laws in Conflict**

17 All local laws and ordinances applying to the unincorporated area
18 of Palm Beach County in conflict with any provision of this ordinance
19 are hereby repealed to the extent of such conflict.

20 **Part III. Severability**

21 If any section, paragraph, sentence, clause, phrase, or word of
22 this Ordinance is for any reason held by the Court to be
23 unconstitutional, inoperative or void, such holding shall not affect
24 the remainder of this Ordinance.

25 **Part IV. Inclusion in the 1989 Comprehensive Plan**

26 The provision of this Ordinance shall become and be made a part
27 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
28 Ordinance may be renumbered or relettered to accomplish such, and the
29 word "ordinance" may be changed to "section," "article," or any other
30 appropriate word.

31 **Part V. Effective Date**

32 The effective date of this plan amendment shall be the date a
33 final order is issued by the Department of Community Affairs or

1 Administration Commission finding the amendment in compliance in
2 accordance with Section 163.3184, Florida Statutes, whichever occurs
3 earlier. No development orders, development permits, or land uses
4 dependent on this amendment may be issued or commence before it has
5 become effective. If a final order of noncompliance is issued by the
6 Administration Commission, this amendment may nevertheless be made
7 effective by adoption of a resolution affirming its effective status,
8 a copy of which resolutions shall be sent to the Department of
9 Community Affairs, Bureau of Local Planning, 2740 Centerview Drive,
10 Tallahassee, Florida 32399-2100. **APPROVED AND ADOPTED** by the Board
11 of County Commissioners of Palm Beach County, on the 13 day of
12 December, 1999.

13 ATTEST:
14 DOROTHY H. WILKEN, Clerk

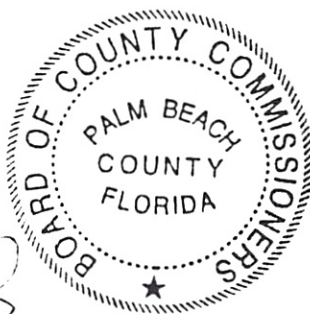
PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

15 By: Joan Stevens
16 Deputy Clerk

By: Maudie Ford Lee
Chair

17 APPROVED AS TO FORM AND
18 LEGAL SUFFICIENCY

19 Ante H. [Signature]
20 COUNTY ATTORNEY



21 Filed with the Department of State on the 23rd day
22 of December, 1999.

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EXHIBIT 1

Future Land Use Atlas page 110 is amended as follows:

Amendment No.: 99-110 COM 1 (Affirmation 2)

Amendment: From Medium Residential, 5 units per acre (MR-5) to Commercial Low, with an underlying 5 units per acre (CL/5).

Location: On the northeast corner of Glades Road and 95th Avenue South

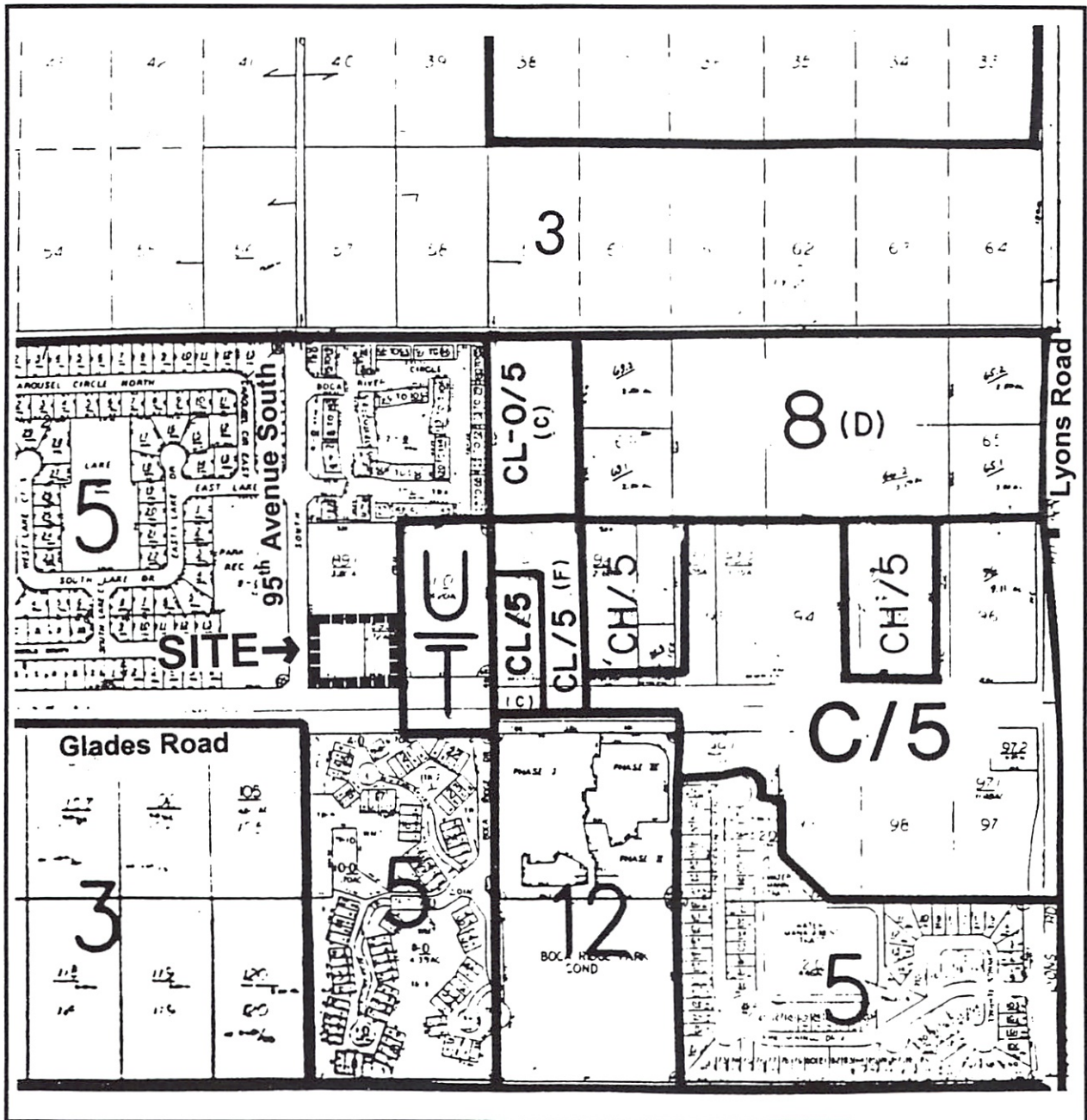
Size: Approximately 2.66 acres

Property No.: 00-42-43-27-05-077-0891 (a 1.95 acre portion of a 3.80 acre parcel) and 00-42-43-27-05-077-0892 (0.72 acres)

Legal Description: See attached

Conditions:

- 1) The use of the site shall be limited to a retail furniture store;
- 2) The structure on the site shall be limited to a one story building with a maximum 26,058 square feet of floor area; and
- 3) The property owner shall record in the public records a restrictive covenant, subject to the approval of the County attorney, prior to certification of the zoning application by DRC, which does the following: (a) limits the use of the site to a retail furniture store; and (b) limits the structure to a one story building with a maximum of 26,058 square feet of floor area.



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LEGAL DESCRIPTION:

A PORTION OF TRACT 89 IN BLOCK 77 OF PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 45-54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT 89; THENCE SOUTH 00°00'01" WEST ALONG THE EAST LINE OF SAID TRACT 89, A DISTANCE OF 241 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°00'0" WEST ALONG SAID EAST LINE A DISTANCE OF 354.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF GLADES ROAD, (160 FOOT RIGHT-OF-WAY); THENCE SOUTH 89°59'38" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 330.10 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 89; THENCE NORTH 00°00'01" EAST ALONG SAID WEST LINE, A DISTANCE OF 347.87 FEET; THENCE SOUTH 89°59'59" EAST, A DISTANCE OF 123.04 FEET; THENCE NORTH 70°02'27" EAST, A DISTANCE OF 18.07 FEET; THENCE SOUTH 89°59'59" EAST, A DISTANCE OF 190.08 FEET TO THE POINT OF BEGINNING.

SAID LAND LYING IN PALM BEACH COUNTY, FLORIDA, CONTAINING A COMPUTED AREA OF 116,050 SQUARE FEET (2.66 ACRES), MORE OR LESS.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on December 13, 1999
DATED at West Palm Beach, FL on 1/4/00.
DOROTHY H. WILKEN, Clerk
By: Diane Brown D.C.